

OCT 04 2016



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX – PACIFIC SOUTHWEST REGION
75 Hawthorne Street
San Francisco, CA 94105-3901

VIA CERTIFIED MAIL
No. 7015-3010-0000-3883-2719
RETURN RECEIPT REQUESTED

KK Vikraman
General Manager
Tristar Terminals Guam, Inc.
Rte. 2A Guam Industrial Highway
Agat, Guam 96915

RE: Request for Information under Clean Water Act Section 308(a) – Tristar Terminals Guam Inc., Agat Terminal, EPA Docket No. CWA-308-9-16-011.

Dear Mr. Vikraman:

Based on our records, the U.S. Environmental Protection Agency, Region IX (“EPA”) did not receive discharge monitoring reports (“DMRs”) from Tristar Terminals Guam Inc. (“Tristar”) for its Agat Terminal bulk petroleum storage from January 2013 to January 2015. The National Pollutant Discharge Elimination System Permit, GU0020150, (“NPDES Permit”) required Tristar to submit DMRs to report effluent monitoring results to EPA. The NPDES program operates through discharger self-reporting. Proper discharge monitoring and reporting is a central tenet to ensuring compliance and elimination of hazards to public health and the environment.

The attached Request for Information will help EPA assess Tristar’s compliance with the NPDES Permit. This Request for Information encompasses the monitoring and reporting requirements of the NPDES Permit. Pursuant to the Agency’s information-gathering authority under Section 308 of the Clean Water Act (“CWA”), 33 U.S.C. § 1318, EPA hereby requests that Tristar provide the information specified in the attached Request for Information, Attachment 1, **by November 30th 2016.**

Please send your response by certified mail, return receipt requested, to the following addresses:

Michael Weiss
U.S. Environmental Protection Agency, Region IX
Enforcement Division (ENF 3-1)
75 Hawthorne Street
San Francisco, CA 94105
weiss.michael@epa.gov

and

Maricar Quezon
Guam EPA
PO Box 22439
Barrigada, Guam 96923
Maricar.Quezon@epa.guam.gov

All submittals in response to this letter must be accompanied by the following certification signed by a responsible corporate officer in accordance with 40 C.F.R. § 122.22:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

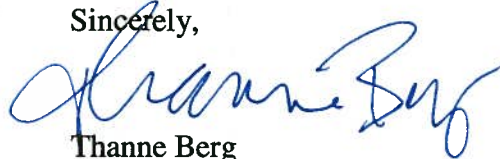
Tristar may not withhold from EPA any information on the grounds that it is confidential business information. However, EPA has promulgated, under 40 C.F.R. Part 2, Subpart B, regulations to protect confidential business information it receives. A legally supportable claim of business confidentiality may be asserted in the manner specified by 40 C.F.R. § 2.203(b) for all or part of the information requested by EPA. EPA will disclose business information covered by such claim only as authorized by 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.

Failure to comply with this Request for Information can result in enforcement action for appropriate remedy, including penalties, under Section 309 of the CWA, 33 U.S.C. § 1319. Compliance with this Request for Information does not relieve Tristar of its obligation to comply with the CWA or other applicable laws and permits.

The Request for Information is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a “collection of information” under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

Thank you for your cooperation and prompt attention to this letter as it is a matter of public health and protection of vital environmental resources. If you have any questions regarding this Request for Information, please contact Michael Weiss of the Enforcement Division at 415-947-4570 or weiss.michael@epa.gov. Please direct any legal questions to Desean Garnett of the Office of Regional Counsel at 415-972-3046 or garnett.desean@epa.gov.

Sincerely,



Thanne Berg

Acting Assistant Director, Water & Pesticides Branch
Enforcement Division

Enclosure

cc (via email): Yvette Cruz, Acting Administrator, Guam EPA

ATTACHMENT 1: Request for Information. EPA Docket No. CWA-308-9-16-011

Under the authority of Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), the United States Environmental Protection Agency, Region IX ("EPA") requires Tristar Terminals Guam Inc. ("Tristar") to provide to EPA the information described below ("Request for Information") for its Agat Terminal bulk petroleum storage. This Request for Information in no way alters or relieves Tristar of other legal responsibilities or restrictions imposed on operations at the facility at the federal, territory, or local government level.

DEFINITIONS

The following terms shall have the following definitions for this Request for Information:

1. "Document" means all written, recorded, computer generated, or visually or aurally reproduced materials of any kind in any medium in your possession, custody or control or known by you to exist, including all originals, drafts and non-identical copies. The term includes, without limitation, all reports, studies, surveys, plans, transcripts, permits, licenses, deeds, maps, drawings, schematics, specifications, instructions, calculations, monitoring data, rental records, contracts, agreements, bid documents, purchase orders, work orders, invoices, payment records, spreadsheets, communication records, correspondence, notes, memoranda, photographs, and videos.
2. "2009 NPDES Permit" means the National Pollutant Discharge Elimination System Permit, GU0020150 which became effective on July 1, 2009 and was transferred by EPA from Shell Guam Inc. to Tristar Terminals Guam Inc on November 10, 2009. The NPDES Permit expired on June 30, 2014.
3. "2015 NPDES Permit" means the National Pollutant Discharge Elimination System Permit, GU0020150 which became effective on August 1, 2015.

REQUEST FOR INFORMATION

Please provide the following documents, information, and communications. If no such document, information, and/or communication exist, then so state explicitly.

1. By November 30th 2016, Tristar shall provide monthly Discharge Monitoring Reports ("DMRs"), as required by 2009 NPDES Permit Part II.A.3, for January 2013 through January 2015. The monitoring results should be reported on EPA Form 3320-1, a pre-printed DMR form. For each DMR, Tristar shall indicate the date that it completed the DMR. If the DMR was sent to EPA prior to receipt of this Request, Tristar shall provide evidence of when and how the DMR was sent to EPA

2. By November 30th 2016, Tristar shall provide records for effluent monitoring conducted at Outfall 001, required by 2009 NPDES Permit Parts I.A, from January 2013 through January 2015. Records were required by 2009 NPDES Permit Part II.A.3 and Attachment A.
3. If Tristar cannot produce DMRs or effluent monitoring data as requested by subparagraphs 1 and 2 above, Tristar shall submit the following by November 30th 2016:
 - a. A list of dates that Tristar discharged effluent from its Agat Terminal, including tank bottom water draws, storm water, or oily water emulsions from fuel transfer operations and tank bottom draws to the Big Guatali River (Outfall 001).
 - b. For each day of discharge from Outfall 001 from January 2013 through January 2015, provide a description of the discharge through Outfall 001 including (a) volume, (b) frequency (e.g., intermittent, continuous), and (c) content (e.g., process wastewater from tank bottom water draws, oily water emulsions from fuel transfer operations, and/or stormwater).
4. Provide a copy of the most recent version of the Pollution Prevention Plan as described by 2015 NPDES Permit Part IV along with any attachments referenced in the Plan. If an earlier version of the Pollution Prevention Plan was sent to EPA prior to receipt of this Request, Tristar shall provide evidence of when and how the Plan was sent to EPA.